



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,593	02/06/2004	Rachel B. Sumerson		8955

7590

01/11/2006

Rachel B. Sumerson and Eugene R. Gamache
95 West Boulevard
East Rockaway, NY 11518

EXAMINER

GROSSO, HARRY A

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,593

Applicant(s)

SUMERSON ET AL.

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-10 and 12-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Drawings

The drawing objection is overcome by the amendment filed September 28, 2005.

The drawing objection is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 8-10, 12-15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun, of record, in view of Hall et al (2005/0103795 A1, May 19, 2005).

3. Regarding claim 1, Chun discloses a grip identifier for a beverage glass or container (Figures 1C, 4A, 4B, 10B). Chun does not teach use of a particular size glass. Hall et al discloses an insulating container holder sized to fit a pint glass (paragraph 0024). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have sized the grip identifier of Chun to fit a pint glass as disclosed by Hall et al because the pint glass is a traditional size glass used for certain types of beverages.

4. Regarding claims 3 and 12, Chun discloses the grip identifier is made of neoprene (column 21, lines 4-6 and lines 65-67).

5. Regarding claims 4 and 13, Chun discloses a loop adhered to the grip identifier (5070, Figure 18, column 23, lines 19-23).

6. Regarding claims 5 and 15, Chun discloses indicia on the grip (Figure 104, column 33, lines 6-8).

7. Regarding claims 8 and 18, the grip of Chun would have a seam where the ends of the grip blanks are joined to form the grip.

8. Regarding claims 9 and 19, the grip identifier of Chun is made from rubber or neoprene, elastic materials, thus providing a strip of elastic material adjacent to the seam.

9. Regarding claim 10, Chun disclosed that the grip identifier has a front and back side and left and right ends and has a fastener device secured to the front side of one end and the back side of the opposite end. The left or right positioning of the front and back side devices would depend on the orientation of the grip in the flat state (154, 158, Figures 1A, 1B, 1C, column 21, lines 4-17; 165, 169, Figures 10, 10A, 10B, column 21, line 65 to column 22, line 16).

10. Regarding claims 14, Chun discloses the fastener devices are hook and loop type fasteners (column 5, lines 21-31).

11. Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun and Hall et al in view of Gladman et al (5,381,992). Chun and Hall et al disclose the invention except for the fastener for an interchangeable patch and the patch. Gladman et al discloses a container holder with a fastener for a clip attachment (patch) and an interchangeable clip with a fastener attached (20, 22, 24, Figures 1-2, column 2, lines 25-30) and the fasteners are of the hook and loop type. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated the use of a fastener for an interchangeable patch (clip) and a patch (clip) with a fastener attached as disclosed by Gladman et al in the grip identifier of Chun and Hall et al to provide the ability to utilize an interchangeable clip for attaching the grip identifier to a user's belt.

12. Claims 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun in view of Gladman et al.

13. Regarding claim 20, Chun discloses a grip identifier for a beverage glass or container with a fastener for an interchangeable patch (105, 106, 171, Figures 1C, 4A, 4B, 10B) but does not teach the interchangeable patch with an attached fastener. Gladman et al discloses a container holder with a fastener for a clip attachment (patch) and an interchangeable clip with a fastener attached (20, 22, 24, Figures 1-2, column 2, lines 25-30) and the fasteners are of the hook and loop type. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a fastener for an interchangeable patch (clip) and a patch (clip) with a fastener attached as disclosed by Gladman et al in the grip identifier of Chun and Hall et al to provide the ability to utilize an interchangeable clip for attaching the grip identifier to a user's belt.

14. Regarding claim 21, Chun discloses the grip identifier is made of neoprene (column 21, lines 4-6 and lines 65-67).

15. Regarding claim 22, Chun discloses the fastener for the interchangeable patch may be part of a hook and loop type fastener and would be capable of having the loop portion fastened to the grip (column 5, lines 21-31).

16. Regarding claim 23, Chun disclosed that the grip identifier has a front and back side and left and right ends and has a fastener device secured to the front side of one end and the back side of the opposite end. The left or right positioning of the front and back side devices would depend on the orientation of the grip in the flat state (154, 158, Figures 1A, 1B, 1C, column 21, lines 4-17; 165, 169, Figures 10, 10A, 10B, column 21, line 65 to column 22, line 16).

17. Regarding claim 24, Chun discloses the fastener devices are hook and loop type fasteners (column 5, lines 21-31).

18. Regarding claim 25, Chun discloses a loop adhered to the grip identifier (5070, Figure 18, column 23, lines 19-23).

19. Regarding claim 26, the grip of Chun would have a seam where the ends of the grip blanks are joined to form the grip.

20. Regarding claim 27, the grip identifier of Chun is made from rubber or neoprene, elastic materials, thus providing a strip of elastic material adjacent to the seam.

Response to Arguments

21. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

hag